

Law Office of
Michael T. Risher

July 8, 2019

Michael Dundas
Office of the Los Angeles City Attorney
800 City Hall East, 200 N Main St.
Los Angeles, CA 90012
By Email to mike.dundas@lacity.org

Dear Mr. Dundas:

I am writing on behalf of Adrian Riskin to try to resolve the ongoing issue of providing him timely access to records showing when and where the City of Los Angeles will engage in cleanups of homeless encampments. As you doubtless know, the conduct of these operations¹ is of considerable public interest and has resulted in litigation in Los Angeles and elsewhere; the public therefore has a significant interest in obtaining information about planned operations so that interested people have the opportunity to observe them to see for themselves how the government is conducting them. This of course requires that they obtain this information in advance of the cleanup operations.

As I understand it, Mr. Riskin has attempted to gain access to this information in a number of ways -- including making written requests for records, attempting to examine the relevant documents at the office that would have records containing this information, and suggesting that the City simply post the information online -- but without success. Without dwelling on the past, I would like to ensure that Mr. Riskin has timely access to this information in the future, as is required by the Public Records Act, Government Code § 6250 *et seq.* (statutory reference below are to that Code). I believe that one the following would be a reasonable solution:

1. The City could agree to provide records showing scheduled operations promptly -- as required by § 6253(b) -- after Mr. Riskin emails a request to whomever you would like to designate to respond to these request. As I understand it -- and from my experience

¹ To be clear, I use the term “operations” in this letter to refer to cleanups of homeless encampments in which people’s possessions may be moved, taken, or destroyed, or in which people living in those areas may be forced to move.

litigating cases involving similar operations elsewhere in the State – the logistics involved in these cleanup operations means that they are scheduled well in advance; although last-minute changes may occur, they are the exception rather than the rule. I do not see any possible CPRA exemption that would shield these records from disclosure; even preliminary drafts or notes that will not be retained must be disclosed unless the public interest in non-disclosure clearly outweighs the public interest in disclosure.

§ 6254(a). Assuming the City agrees that these records are not exempt from disclosure, it should be able to provide Mr. Riskin with these records at least a few days prior to the scheduled operations they describe.

2. The City could agree to allow Mr. Riskin to inspect records showing planned operations during the office hours, as required by § 6253(a). I would expect that we could establish a reasonable schedule for him to do this that would allow him to obtain the information he seeks in a way in as few visits as possible, to reduce the burden on him and on the City.
3. The City could agree to make this information available online under § 6253(f) the day before an operation and direct interested members of the public to that online resource. Although the CPRA does not require the City to offer this option, I suggest it because it would likely be the most efficient way for the City to comply with the law (it could do it by simply including the notices that due process requires it to give to people who may be affected by the operations, so long as they provide the date, time, and location of the planned operations).

Please let me know your position on these proposals or, if you have other suggestions as to how Mr. Riskin may be able to obtain this information in a timely manner, please tell me what they are. *See* § 6253.1.

To help evaluate whether these proposals are feasible, I am requesting that you provide the following records:

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1. Records in existence on the day you receive this letter showing the scheduled date, time, and location of all currently scheduled cleanup operations. This includes but is not limited to calendars, emails, and memoranda. Note that I do not need all of the records in your possession that contain this information; just records sufficient to show it.
2. Records showing how many cleanup operations were conducted between July 1 and July 10, 2019, and, of those operations, how many were rescheduled less than 5 days before the operation. Again, I do not need all of the records in your possession that contain this information; just records sufficient to show it.
3. Any instructions, memoranda, or guidelines that explain how far in advance these operations are scheduled or describe the process of scheduling, cancelling, or re-scheduling them. To be clear, this does not include emails and other documents relating to individual operations; rather, it refers to more-general documents.

This request applies to all records in the City's possession, regardless of who created them or which department possesses them.

Also, I ask under Government Code § 6253.1 that you provide us with assistance in identifying other records that are responsive to the purposes of this request (i.e., trying to evaluate whether the above proposals are feasible and trying to allow Mr. Riskin to obtain access information about scheduled operations in time for him and others to arrange to observe the operations).

Thank you for your time and attention to this matter.

Sincerely,



Michael T. Risher

cc: Fernando Campos, Board of Public Works, via fernando.campos@lacity.org